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In re Application of	:	
HATTORI, et al.	:	DECISION ON PETITION
Application No.: 10/018,210	:	
PCT No.: PCT/JP01/02240	:	
Int. Filing Date: 21 March 2001	:	
Priority Date: 31 March 2000	:	
Attorney Docket No.: 01685/LH	:	
For: AUTOCORRELATION BIT ERROR	:	
DETECTION DEVICE AND METHOD FOR	:	
OPTICAL SIGNAL BY OPTICAL BRANCHING	:	
METHOD	:	

This decision is issued in response to applicants' "Request For Corrected Form PCT/DO/EO/903 And Corrected Filing Receipt" filed 03 May 2002, treated herein as a petition under 37 CFR 1.10(c). No petition fee is required.

### **BACKGROUND**

On 31 March 2001, applicants filed international application PCT/JP01/02240 which claimed a priority date of 31 March 2000 and which designated the United States. On 11 October 2001, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was not filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was twenty months from the priority date, i.e., 30 November 2001.

Applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, and a translation of the international application into English.

On 12 April 2002, the DO/EO/US mailed a Notification Of Acceptance indicating 30 November 2001 as the 35 U.S.C. 371 date. Also on 12 April 2002, a filing receipt was issued which identified 30 November 2001 as the filing date.

On 18 June 2002, applicants filed the "Request For Corrected Form PCT/DO/EO/903 And Corrected Filing Receipt" considered herein. In the petition, applicants assert that the materials filed to initiate the present national stage application were filed on 30 October 2001

and that this date, rather than 30 November 2001, is the proper 35 U.S.C. 371 date for the present application.

### DISCUSSION

A review of the application file reveals that the transmittal letter filed with the present application materials contains an "Express Mail" mail certification identifying the "Express Mail" label number as EV044466140US. This specifically identified "Express Mail" envelope is present in the application file and bears a USPS stamp dated 30 October 2001. The "date in" is not legible on the envelope in the file, but applicants have attached to the present request a copy of this "Express Mail" label on which the "date in" is "10/30/01." Based on the USPS date stamp on the "Express Mail" envelope and the "date in" on the copy of the "Express Mail" label submitted by applicants, it is concluded that the "Express Mail" envelope containing the national stage materials filed herein was deposited with the USPS on 30 October 2001. This submission included all the requirements for entering the national stage under 35 U.S.C. 371. Pursuant to 37 CFR 1.10(c), the proper 35 U.S.C. 371 date for this application is therefore 30 October 2001.

### CONCLUSION

Applicants' petition under 37 CFR 1.10(c) is **GRANTED**.


The Notification Of Acceptance mailed 12 April 2002 is **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing, including the mailing of a corrected Notification Of Acceptance identifying 30 October 2001 as the 35 U.S.C. 371 date and for processing applicant's request for a corrected filing receipt.



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